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SUBJECT: 2004 GMO AND BIOSAFETY DEVELOPMENTS IN CROATIA

REF: STATE 259661

1. Reftel requested an update on biosafety issues in preparation for the next meeting of the parties to the Cartagena Protocol. As an EU candidate country, Croatia will almost certainly follow the EC lead on any biosafety or GMO issue. Following is an overview of recent developments on these issues.

2. Three laws passed in 2003 (the Law on Food, the Law on Nature Protection, and the Law on Consumer Protection) establish a regulatory framework for the introduction of GMO crops and foods to Croatia; in fact, given the absence of a working registration system, they constitute a de-facto ban on GMO products. Responsibility for biotech policy is divided among three ministries.

3. The Ministry of Agriculture, Forestry, and Water Management shares responsibility with the Ministry of Culture for licensing and testing GMO seeds. The Ministry of Agriculture is also responsible for "cleaning-up" unauthorized GMO release into nature. Minister of Agriculture Petar Cobankovic has taken it upon himself (above and beyond the law) to compensate farmers whose land was contaminated by the unauthorized release of Pioneer GMO seeds this summer; currently the Ministry is suing Pioneer to recoup its expense. The case is likely to be tied up in Croatian courts for years.

4. The Ministry of Culture is responsible for "nature protection": regulating the release into nature of GMOs. When the GoC passed the Law on Nature Protection in 2003, the nature protection portfolio originally fell to the Ministry of Environment; in January 2004, a newly-elected GoC shifted responsibility for registering and licensing GMO seeds to the Ministry of Culture. The Ministry of Culture is also responsible for insuring GMO seeds are not planted on any of Croatia's numerous protected areas.

5. A GoC bill on novel foods has passed its first reading in the Parliament, and will be taken up again in early 2005. The law is designed to establish a clear regulatory and licensing procedure for GMO crops and food. It has been painted as a necessary part of EU legislative harmonization, and though it would allow GMOs on the Croatian market, press reports focus on the great difficulties the law would impose of potential GMO importers and harsh financial penalties for unauthorized GMO release. The Institute for Public Health houses the only in-country facility capable of testing foods for GMOs.

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